

Notice of Allowability

Application No.

09/614,355

Examiner

Clark F. Dexter

Applicant(s)

O'BANION ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on May 14, 2004.
2. ☒ The allowed claim(s) is/are 1,2,4,5,10,11,14,15 and 22-32.
3. ☒ The drawings filed on 12 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Schmidt on August 3, 2004.

2. The application has been amended as follows:

In the Claims

Claim 1, line 15, --selectively laterally-- has been inserted before the second occurrence of "movable";

line 16, the following has been inserted after "second position":

---, said first fixed fence including a first fixed workpiece-supporting surface, and said first movable fence including a first movable workpiece-supporting surface--;

line 18, the following has been inserted after "base":

--with respect to said cutting tool--;

line 20, a comma --,-- has been inserted after "second fixed fence";

line 21, -- selectively laterally -- has been inserted before the second occurrence of "movable";

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line 22, the following has been inserted after "second position":

--, said second fixed fence including a second fixed workpiece-supporting surface, and said second movable fence including a second movable workpiece-supporting surface--.

Claims 3, 6 and 7 have been canceled.

Claim 14, line 3, the second occurrence of "in a predetermined" has been deleted;
line 4, "position in relation to the first fixed fence" has been deleted.

Claim 27, line 15, -- selectively laterally -- has been inserted before the second occurrence of "movable";

line 16, the following has been inserted after "second position":

---, said first fixed fence including a first fixed workpiece-supporting surface, and said first movable fence including a first movable workpiece-supporting surface--;

line 18, the following has been inserted after "base":

--with respect to said cutting tool--;

line 20, a comma --,-- has been inserted after "second fixed fence";

line 21, -- selectively laterally -- has been inserted before the second occurrence of "movable";

line 22, the following has been inserted after "second position":

--, said second fixed fence including a second fixed workpiece-supporting surface, and said second movable fence including a second movable workpiece-supporting surface--.

Claim 30, line 15, -- selectively laterally -- has been inserted before the second occurrence of "movable";

line 16, the following has been inserted after "second position":

---, said first fixed fence including a first fixed workpiece-supporting surface, and said first movable fence including a first movable workpiece-supporting surface--;

line 18, the following has been inserted after "base":

--with respect to said cutting tool--;

line 20, a comma --,-- has been inserted after "second fixed fence";

line 21, -- selectively laterally -- has been inserted before the second occurrence of "movable";

line 22, the following has been inserted after "second position":

--, said second fixed fence including a second fixed workpiece-supporting surface, and said second movable fence including a second movable workpiece-supporting surface--.

In the Specification

Page 1, the first paragraph has been replaced with the following paragraph:

-- This is a continuation of United States patent application Serial No. 09/163,896 filed October 1, 1998, now U. S. Patent No. 6,427,570, issued August 6, 2002, which is a continuation of United States application Serial No. 08/600,907 filed February 13, 1996, now U. S. Patent No. 5,819,619, issued October 13, 1998, which is a continuation of United States application Serial No. 08/329,766 filed October 27, 1994 (now abandoned), which is a continuation of United States application Serial No. 08/088,266 filed July 7, 1993 (now abandoned), which is a continuation of United States application Serial No. 07/774,767 filed October 9, 1991 (now abandoned), and a continuation-in-part of United States application Serial No. 07/774,022 filed October 9, 1991, now U.S. Patent No. 5,297,463, issued March 29, 1994.--.

Additional Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The newly-cited prior art disclose inventions which have features similar to the claimed invention. However, these inventions, each taken alone or in combination with the prior art of record, do not teach or fairly suggest the claimed invention.

Remarks

4. Due to the allowability of claim 1, the restriction requirement has been withdrawn and the non-elected claims have been rejoined.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Applicant's arguments filed in the appeal brief of May 14, 2004 are considered to be persuasive, particularly regarding the components of Viazanko '113 that were considered by the Examiner to read on the claimed "movable fence portion," specifically components 144, 160, 164 and/or 165 (referred to as "index scale holders" in the patent). There is no explicit teaching or suggestion that these components are laterally movable. In particular, the Examiner is relying on the passage in column 5, lines 59-62 which states that

"When the clamp bolt is tightened, the stop is clamped to the face of index scale holder 144, and thus is secured with respect to the table 74 and the fence 82."

The "secured" language is considered to teach that there should be no lateral movement permitted between the index scale holders and the fence 82. Further, as taught by the patent, particularly Figures 1 and 13, the index scale holders have different but specific lengths such that they either extend the length of the outer fence only (e.g., 160, 162) or they extend the length of both the table saw fence and the outer fence (e.g., 22, 82, 144). Thus, there is no implicit or explicit teaching that the index

scale holders (e.g., 144, 160, 164, 165) are to be laterally moved or slid with respect to the fences (e.g., 20, 22, 82, 162).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can be reached Monday through Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', with a stylized flourish extending from the end.

Clark F. Dexter
Primary Examiner
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cfd
August 6, 2004